

AN ORDINANCE **100378**

AMENDING CHAPTER 21 OF THE SAN ANTONIO CITY CODE TO PROHIBIT SITTING OR LYING DOWN IN THE RIGHT-OF-WAY IN PUBLIC PLACES; AND PROVIDING FOR A CRIMINAL FINE IN AN AMOUNT NOT TO EXCEED \$500.00 FOR VIOLATION OF THIS ORDINANCE.

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WHEREAS, the City Council finds that the City of San Antonio has a compelling interest in:

- (1) encouraging and preserving a vital, pedestrian-friendly urban core;
- (2) promoting tourism and business in the central business district;
- (3) preserving the quality of urban life and in protecting its citizens from intimidating behavior; and
- (4) encouraging businesses and neighborhoods in the central city where walking is a realistic alternative to vehicles; and

WHEREAS, the City Council finds that in areas with high pedestrian traffic and a high incidence of petty crime related to public disorder, individuals sitting or lying in the pedestrian right-of-way:

- (1) contribute to a sense of fear, intimidation, and disorder;
- (2) are disruptive to residents, businesses, and customers;
- (3) discourage, block, or inhibit the free passage of pedestrians; and
- (4) contribute to the loss of access to and enjoyment of public places;

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 21 of the San Antonio City Code is hereby amended by the addition of Section 26 providing the following:

Section 26 Sitting or Lying Down in the Right-of-Way.

- (A) This section applies in the central business district of the City of San Antonio which is defined as the area within the boundaries set out starting from Cherry Street south from IH 35 to Durango

Street, on Durango west to South Alamo Street, on South Alamo Street south and west to Frio Street, on Frio Street north to Guadalupe Street, on Guadalupe Street west to San Marcos Street, on San Marcos Street north to Martin Street, on Martin Street east to IH 35, on IH 35 north and east to Cherry Street.

(B) A person commits an offense if, after having been notified by a law enforcement officer that the conduct violates this section, the person continues to sit or lie down in the right-of-way between the roadway and the abutting property line or structure, or on an object placed in that area, in a manner that would:

- (1) hinder the unobstructed passage of a person;
- (2) require a person to take evasive action to avoid physical contact;
- (3) block the passage of a person entering or leaving a building; or
- (4) require a person entering or leaving a building to take evasive action to avoid physical contact.

(C) This section does not apply to a person who:

- (1) sits or lies down because of a medical emergency;
- (2) as the result of a disability, uses a wheelchair or similar device to move about;
- (3) operates or patronizes a commercial establishment that conducts business on the sidewalk in compliance with the ordinances of the City;
- (4) participates in or views a parade, festival, performance, rally, demonstration, or similar event;
- (5) sits on a chair or bench that is supplied by a public agency or by the abutting private property owner; or
- (6) sits within a bus stop zone while waiting for public or private transportation.

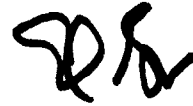
(D) A culpable mental state is not required, and need not be proved, for an offense under Section 21.26.

SECTION 2. Any person who engages in any activity specified in Section (B) above, may be subject to prosecution for a Class C misdemeanor and a fine not to exceed \$500.00.

SECTION 3. The City Clerk is directed to promptly publish public notice of this ordinance in accordance with Section 17 of the City Charter.

SECTION 4. This ordinance shall be effective five days after publication or on approximately February 18, 2005.

PASSED AND APPROVED on this the 3rd day of February, 2005.



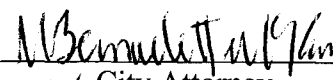
M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

Agenda Voting Results

Name: 21A.

Date: 02/03/05

Time: 03:23:46 PM

Vote Type: Multiple selection

Description: An Ordinance amending Chapter 21 of the San Antonio City Code to prohibit sitting or lying down in the right-of-way in public places; and providing for a criminal fine in an amount not to exceed \$500.00 for violation of this ordinance.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
JOEL WILLIAMS	DISTRICT 2	Not present			
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4	Not present			
PATTI RADLE	DISTRICT 5			x	
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7	Not present			
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR		x		